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09/618,367	07/18/2000	Stan Jirman	APLE.P0005	8886

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EXAMINER	
CAO, DIEM K	

ART UNIT	PAPER NUMBER
2194	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/618,367	JIRMAN ET AL.	
	Examiner	Art Unit	
	Diem K. Cao	2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 August 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-45* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-45* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-45 are pending. Applicant has amended claims 1, 10-20, 23-29, 31, 37 and added claims 39-45.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 10, 12-13, 23-26, 27-29, 42 and 44-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Kaler et al. (U.S. 6,742,143 B2).

As to claim 10, Kaler teaches a foundational layer upon which applications are built or executed (middleware or the operating system or in both; col. 26, lines 56-57), and an event logging mechanism created by the foundational layer (VSA 100 activates an LEC; col. 11, lines 30-31 and one local event concentrator for each machine; col. 11, lines 56-57 and col. 14, line 53 - col. 15, line 6), the logging mechanism executing independent of the applications (the LEC process runs at a lower than normal priority and Fig. 7), the mechanism for identifying a set of events (the VSA user specifies what information is to be collected; col. 15, lines 8-10 and Event Categories; col. 16, lines 40-59) and generating an event log for any of the applications, without referencing any event logs of the applications (col. 12, lines 8-10), wherein each of the events is

designated an enabled/disabled status (IsActive status ... True or False; col. 12, lines 12-15 and lines 46-50), wherein a disabled status disables all logging for an event (IsActive is set to False, and the application never changes; col. 12, lines 42-43 and 53-54).

As to claim 12, Kaler teaches the foundational layer is an operating system (operating system; col. 26, line 47).

As to claim 13, Kaler teaches the foundational layer is a programmable framework (middleware; col. 26, line 56).

As to claim 23, Kaler teaches a system comprising:

- a foundational layer upon which applications are executed (middleware or the operating system or in both; col. 26, lines 56-57),

- a first application for executing on the foundational layer (one of the applications 190; col. 11, lines 54),

- a second application for executing on the foundational layer (another one of the applications 190),

- an event logging mechanism for execution on the foundational layer (VSA 100 activates an LEC; col. 11, lines 30-31 and one local event concentrator for each machine; col. 11, lines 56-57 and col. 14, line 53 - col. 15, line 6), for functioning interoperably with but separate from the first and second applications (the LEC process runs at a lower than normal priority and Fig. 7), and for generating an event log for each of the first and second applications (col. 12, lines 8-10),

wherein at least one of the first and second applications does not generate an event log (col. 12, lines 29-45), wherein the event logging mechanism is separate from the first and second applications and is not compiled with the applications (col. 26, line 56 - col. 27, line 4, lines 25-31), wherein the event logging mechanism creates an event object for each of the events (the function of an IEC is to ... create an event ... analyzed; col. 4, lines 9-13 and events created by IEC ... LEC 199; col. 12, lines 1-11), each event object designated for log information to be stored and later accessed for analysis (pre-defined event fields and custom fields; col. 16, lines 1-50 and performance analysis; col. 33, lines 25-40).

As to claim 24, Kaler teaches generating an event log comprises storing, for each event to be logged, a temporal attribute of an event in an event object associated with the event (col. 16, table 1).

As to claim 25, Kaler teaches (col. 16, lines 28-67 and col. 33, lines 23-24, lines 34-50, lines 50-55) the event logging mechanism is configured to analyze the event objects based upon hierarchical (tree, level) and contextual grouping (categories).

A to claim 26, Kaler teaches a first area of memory allocated to the first application (process space of one of the applications 190; col. 11, lines 51-55), a second area of memory allocated to the second application (process space of another application of one of the applications 190; col. 11, lines 51-55), and a third area memory allocated to the event logging mechanism (LEC 199; see Fig. 7 and LEC process; col. 13, lines 35-36), wherein the third area

of memory is separate from the areas of memory allocated to the first and second applications (see Fig. 7 and associated text).

As to claim 27, Kaler teaches an enable/disable state for each event identified by the application (IsActive status ... True or False; col. 12, lines 12-15 and lines 46-50), wherein the disable state precludes any system from creating an event log (If IsActive returns False ... FireEvent; col. 12, lines 42-43 and 53-54).

As to claim 28, Kaler teaches generating an event log is performed for each event having event logging enabled (col. 12, lines 33-42).

As to claim 29, Kaler teaches the foundational layer is an operating system upon which applications are executed (operating system; col. 26, line 47).

As to claim 42, Kaler teaches a computer comprising storage for:

- a foundation layer upon which applications are executed (middleware or the operating system or in both; col. 26, lines 56-57), and
- an event-logging mechanism for execution on the foundational layer (VSA 100 activates an LEC; col. 11, lines 30-31 and one local event concentrator for each machine; col. 11, lines 56-57 and col. 14, line 53 - col. 15, line 6), for functioning interoperably with but separately from the applications (the LEC process runs at a lower than normal priority and Fig. 7), the mechanism for identifying a set of events (the VSA user specifies what

information is to be collected; col. 15, lines 8-10 and Event Categories; col. 16, lines 40-59) and generating an event log for each of the applications (col. 12, lines 8-10), wherein at least one of the applications does not generate an event log (col. 12, lines 29-45), wherein the event logging mechanism creates an event object for each of the events (the function of an IEC is to ... create an event ... analyzed; col. 4, lines 9-13 and events created by IEC ... LEC 199; col. 12, lines 1-11), each event object designated for log information to be stored and later accessed for analysis (pre-defined event fields and custom fields; col. 16, lines 1-50 and performance analysis; col. 33, lines 25-40).

As to claim 44, see rejection of claim 17 above.

As to claim 45, see rejection of claim 27 above. Kaler further teaches wherein generating an event log is performed for each event having event logging enabled (IsActive status ... True or False; col. 12, lines 12-15 and lines 46-50).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaler et al. (U.S. 6,742,143 B2).

As to claim 15, Kaler does not teach the event logging mechanism can be turned on and turned off and configured using a browser application running on the computer. However, Kaler teaches the event logging mechanism can be turned on and off and configured using an application from another computer in the network (col. 14, lines 63-65). It would have been obvious that the application could be a browser application because browser application has been utilized in the art for transfer data/request/response between computers.

As to claim 16, Kaler teaches the event logging mechanism generates a plurality of event objects (col. 12, lines 1-9) and is configured to analyze the event objects and present to the browser application the results thereof (display of performance data; col. 33, lines 23-24, lines 34-50, lines 50-55).

As to claim 17, Kaler teaches (col. 16, lines 28-67 and col. 33, lines 23-24, lines 34-50, lines 50-55) the event logging mechanism is configured to analyze the event objects based upon hierarchical (tree, level) and contextual grouping (categories).

As to claim 18, Kaler teaches the event logging mechanism is configured to aggregate the event objects deemed identical based upon at least one of hierarchical and contextual grouping (sublevel; col. 33, lines 23-24, lines 34-50, lines 50-55).

6. Claims 1-9, 11, 14, 19-22, 30-41 and 43 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Kaler et al. (U.S. 6,742,143 B2) in view of Ward et al. (U.S. 2002/0083217 A1).

As to claim 1, Kaler teaches a method comprising for an event to be logged that has not yet been logged within an application:

- creating an event object (the function of an IEC is to ... create an event ... analyzed; col. 4, lines 9-13 and events created by IEC ... LEC 199; col. 12, lines 1-11), the event object occupying a memory space that is independent of the application (buffer; col. 13, lines 21-26 and events are retained ... buffer; col. 22, lines 17-22),

- logging within the event object start time and information regarding the event (pre-defined event fields, time, source process, etc; col. 15, lines 31-41 and col. 16, lines 1-25),

- wherein the creating and the logging are performed on a single computer on which the application executes (see Figs. 3, 7 and col. 11, line 50 - col. 12, line 11).

Kaler does not explicitly teach start time and end time. Kaler teaches only time (time; col. 16, line 23). However, Ward teaches logging start time and end time for an event (time start, time end; page 7, paragraphs 73-74).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Ward to the system of Kaler because it enables a user to perform desired evaluation on a currently executing application in real-time without adversely affecting the performance of the computer graphics system (page 2, paragraph 17).

As to claim 2, Kaler teaches checking whether event logging has been turned on for the

event (The APIs ... status condition is set; col. 27, lines 48-55).

As to claim 3, Kaler teaches the creating and logging are performed for each event having event logging turned on (The APIs ... status condition is set; col. 27, lines 48-55 and col. 12, lines 33-41), wherein a plurality of event objects are created and logged for a plurality of events (col. 12, lines 1-7).

As to claim 4, Kaler does not explicitly teach analyzing the event objects after event logging is turned off. However, Kaler teaches analyzing the event objects at any time (col. 14, line 53 - col. 15, line 15). It would have been obvious that the analyzing the event object can occur after the event logging is turned off because it's just different implementation as desired by the users.

As to claim 5, Kaler teaches wherein analyzing includes:

- allowing user definition of the hierarchical levels of granularity of the events whose event objects are to be analyzed (tree; col. 16, lines 28-39), and

- allowing user definition of contexts for differentiating repeated occurrences of events deemed identical by nature of their hierarchical position (event type; col. 16, lines 52-64 and col. 17, line 5-10).

As to claim 6, wherein analyzing further includes:

- grouping events into their hierarchical subgroups (tree, subtree; col. 16, lines 28-39),

and

- grouping events by their context, if any are defined (event type; col. 16, lines 52-64 and Begin/End, Outbound/Inbound; col. 17, line 5-10).

As to claim 7, Kaler teaches (col. 16, lines 29-39 and col. 25, lines 38-50 and col. 32, lines 10-48) wherein analyzing comprises:

- traversing though the hierarchy of subgroups until the subgroup of finest granularity is traversed (tree, leaves, branches),

- subdividing the events into further subgroups (branches, categories),

- computing statistics for each subgroup while traversing (see Fig. 16 and associated text), and

- displaying the statistics (see Fig. 16 see Fig. 19).

As to claim 8, Kaler teaches (col. 16, lines 29-39 and col. 25, lines 38-50 and col. 32, lines 10-48) wherein if the subgroup of finest granularity has been traversed, then

- aggregating events deemed identical by virtue of their hierarchical position into an aggregate (which events need to be ... grouped and connected; col. 31, lines 30-37),

- computing statistics for each aggregate (analysis; col. 33, lines 23-40), and

- displaying the statistics for each the aggregate (display of performance data; col. 33, lines 23-24, lines 34-50, lines 50-55).

As to claim 9, wherein the analyzing includes:

- aggregating events deemed identical by virtue of their context into an aggregate (which events need to be ... grouped and connected; col. 31, lines 30-37, sublevels, subdivide; col. 33, lines 50-55),

- computing statistics for each aggregate (analysis; col. 33, lines 23-40), and

- displaying the statistics for each aggregate (display of performance data; col. 33, lines 23-24, lines 34-50, lines 50-55).

As to claim 11, Kaler teaches the event logging mechanism logs time and other event information into an event object for each event to be logged (pre-defined event fields, time, source process, etc; col. 15, lines 31-41 and col. 16, lines 1-25).

Kaler does not explicitly teach start time and end time. Kaler teaches only time (time; col. 16, line 23). However, Ward teaches logging within the event object start time and end time (time start, time end; page 7, paragraphs 73-74).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Ward to the system of Kaler because it enables a user to perform desired evaluation on a currently executing application in real-time without adversely affecting the performance of the computer graphics system (page 2, paragraph 17).

As to claim 14, Kaler teaches the event logging mechanism can be turned on and then off from beyond the execution space of the applications within the foundation layer (VSA 100 ... event; col. 11, lines 30-34). Kaler does not teach turning on and off separate for each event. However, Kaler teaches the turning on and off separate for each data source (col. 12, lines 39-

42). One of ordinary skill in the art at the time the invention was made to modified the system of Kaler to turning on and off separate for each event record only what the user is interested in at time.

As to claim 19, it is the same as the method claim of claim 1 except it is a computer article claim, and is rejected under the same ground of rejection.

As to claim 20, see rejection of claim 17 above.

As to apparatus claim 21, it is the same as the method claim of claim 1 and is rejected under the same ground of rejection.

As to claim 22, see rejection of claim 20 above.

As to claim 30, see rejection of claim 1 above.

As to claim 31, see rejection of claim 27 above.

As to claim 32, Kaler teaches checking, for each event identified by an application within the plurality of applications, whether event logging has been enabled (col. 12, lines 33-42).

As to claim 33, see rejection of claim 4 above.

As to claim 34, Kaler teaches the memory space occupied by the event log is within memory space that has been allocated solely to the event logging mechanism (buffer; col. 13, lines 21-26 and events are retained ... buffer; col. 22, lines 17-22).

As to claim 35, Kaler teaches wherein the events that are logged by the event logging mechanism have not been previously logged by any other application (col. 12, lines1-11).

As to claim 36, Kaler teaches the information placed in the event log is first logged by the event logging mechanism (col. 12, lines 33-42).

As to claim 37, see rejection of claim 27 above.

As to claim 38, Kaler teaches the creating is done by a foundational layer that is a development framework (middleware or the operating system or in both; col. 26, lines 56-57).

As to claim 39, see rejection of claim 1 above. Kaler further teaches the event object designated for log information to be stored and later accessed for analysis (pre-defined event fields and custom fields; col. 16, lines 1-50 and performance analysis; col. 33, lines 25-40).

As to claim 40, see rejections of claims 2-3 above.

As to claim 41, see rejection of claim 4 above.

As to claim 43, see rejection of claim 11 above.

Response to Arguments

7. Applicant's arguments filed 8/23/2007 have been fully considered but they are not persuasive.

In the remarks, Applicant argued in substance that (1) Kaler does not teach a method that performs event object creation and logging on a single computer on which the application executes (page 14, lines 10-22), (2) Kaler does not teach creates an event object for an event (col. 14, line 23 – col. 15, line 8), (3) neither Kaler nor Ward teach a method that logs within the event object a start time and end time of an event (col. 15, lines 9-18), (4) Kaler does not teach an event logging mechanism that can identify a set of events where the events are designated an enabled/disabled status and where a disabled status disables all logging for an event (page 16, lines 14-20), (5) Kaler does not teach an event logging mechanism that creates an event object for each of the events where each event object is designated for log information to be stored and later accessed for analysis (page 23, lines 2-4).

Examiner respectfully disagrees with the arguments:

- As to the point (1), Kaler teaches the event is created and logging on a single computer on which the application executes (the function of an IEC is to ... create an event ... analyzed; col. 4, lines 9-13 and events created by IEC ... LEC 199; col. 12, lines 1-11). Thus, it meets the claim limitations. Although the event is transmitted later to other

computer for analysis, the claim only recites "creating and logging", and Kaler clearly teaches that limitations. Therefore, the arguments are not persuasive.

- As to the point (2), Kaler clearly teaches creating an event object for an event (creating events; col. 12, lines 6-9 on data that need to be monitored, also see pre-defined event fields and custom fields; col. 16, lines 1-50). Thus, Kaler teaches the claim's limitation.
- As to the point (3), Kaler teaches the time is one of the pre-defined fields (col. 16, line 23), and user can defines custom field (col. 15, lines 49-50). Ward teaches time start, time middle and time end are logged for an event (page 7, paragraph 72-75). One of ordinary skill in the art at the time of the invention was made would have been motivated to apply the teaching of Ward to the system of Kaler because it enables a user to perform desired evaluation on a currently executing application in real-time without adversely affecting the performance of the computer graphics system (page 2, paragraph 17).
- As to the point (4), Kaler teaches an event logging mechanism that can identify a set of events (the VSA user specifies what information is to be collected; col. 15, lines 8-10 and Event Categories; col. 16, lines 40-59) where the events are designated an enabled/disabled status (IsActive status ... True or False; col. 12, lines 12-15 and lines 46-50) and where a disabled status disables all logging for an event (If IsActive returns False ... FireEvent; col. 12, lines 42-43 and 53-54). Therefore, the arguments are not persuasive.
- As to the point (5), this is new limitation and also taught by Kaler (pre-defined event fields and custom fields; col. 16, lines 1-50 and performance analysis; col. 33, lines 25-40).

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diem K. Cao whose telephone number is (571) 272-3760. The examiner can normally be reached on Monday - Friday, 8:30AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571) 272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DC
November 6, 2007

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER